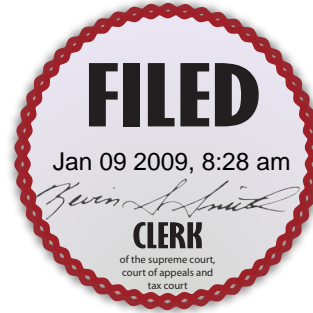


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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IN THE MATTER OF THE TERMINATION OF )  
THE PARENT CHILD RELATIONSHIP OF )  
A.S. & A.S. Jr: )

ANN CASILDO, )

Appellant-Respondent, )

vs. )

No. 82A01-0801-JV-17

INDIANA DEPARTMENT OF )  
CHILD SERVICES, )

Appellee-Petitioner. )

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APPEAL FROM THE VANDERBURGH SUPERIOR COURT  
The Honorable Brett Niemeier, Judge  
Cause No. 82D01-0609-JT-97 & 82D01-0609-JT-98

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**January 9, 2009**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BROWN, Judge**

Ann C. (“Mother”) appeals the involuntary termination of her parental rights to her children, A.S. and A.S., Jr. Mother challenges the sufficiency of the evidence supporting the trial court’s judgment. In so doing, Mother alleges the Vanderburgh County Department of Child Services (“VCDCS”) failed to prove by clear and convincing evidence that there is a reasonable probability the conditions resulting in the children’s removal and continued placement outside Mother’s care will not be remedied, that continuation of the parent-child relationship poses a threat to the children’s well-being, and that termination of Mother’s parental rights is in A.S.’s and A.S., Jr.’s best interests. We affirm.

Mother is the biological mother of A.S., born on May 24, 2001, and A.S., Jr., born on April 12, 2004.<sup>1</sup> The evidence most favorable to the trial court’s judgment reveals that A.S. was removed from Mother’s care after the VCDCS received three separate referrals alleging Mother was not providing appropriate supervision for the children during a two-month time period. The first incident occurred when a local sheriff’s deputy found both children locked in the family trailer and Mother was gone. The second referral involved an allegation of lack of medical care for A.S., Jr. The third referral occurred on May 16, 2005, when Evansville Police Department personnel observed then three-year-old A.S. wandering around outside, unattended, in the streets near the Police Department. When officers arrived at the home, Mother was asleep on the couch and

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<sup>1</sup> The parental rights of both A.S.’s biological father and A.S., Jr.’s biological father, Daniel S. and Antonio S. respectively, were also terminated by the trial court. The fathers, however, do not participate in this appeal. Consequently, we will limit our recitation of the facts to those pertinent to Mother’s appeal.

was very difficult to awaken. A.S., Jr. was discovered lying face down in a crib upstairs. When Mother finally awoke, she appeared impaired and unfocused and was unable to speak clearly enough to pronounce A.S.'s name or date of birth.

Mother signed a safety plan stating she would provide appropriate supervision for the children, but a few days later, on or about May 19, 2005, representatives from the VCDCS made a visit to the home and were again unable to get a response from Mother, although they could hear A.S., Jr. crying and could see A.S. at the bedroom window yelling down. Eventually, when the VCDCS caseworker was able to speak with Mother by telephone, Mother answered the door. Mother appeared very tired and depressed and said that A.S., Jr. had been with her but that she had not heard him crying. As a result of these incidents, the children were taken into protective custody and placed in foster care.

This was not the first time Mother had been involved with the Department of Child Services. In 1999, Mother was involved with the Warrick County Department of Child Services regarding one of A.S. and A.S., Jr.'s older half-siblings until Mother voluntarily relinquished her parental rights to the child and he was subsequently adopted. In 2002, Mother was convicted of class D felony Neglect of a Dependent for an incident involving A.S. Later, in 2004, A.S. was removed from Mother's care and made a ward of the State of Texas.

Returning to the instant case, the VCDCS filed separate petitions alleging A.S. and A.S., Jr. were children in need of services ("CHINS") on May 23, 2005. A consolidated initial hearing on the CHINS petitions was held on June 1, 2005, after which the trial court found both A.S. and A.S., Jr. to be CHINS. On August 3, 2005, a dispositional

hearing was held. Mother was present and represented by counsel. At the conclusion of the dispositional hearing, Mother signed a parental participation plan. The trial court then issued dispositional orders adopting the VCDCS's recommendations and directing Mother to participate in a variety of services in order to achieve reunification with the children. Mother was required to, among other things, (1) pay child support in the amount of \$15.00 per child per week, (2) submit to psychological and psychiatric evaluations and follow all resulting recommendations, (3) successfully complete a substance abuse treatment program and follow all resulting recommendations, (4) submit to random drug and alcohol screens, (5) maintain adequate housing that is clean, safe, and free from drugs and alcohol, (6) meet with the parent aide and follow all recommendations, (7) provide adequate supervision for her children at all times and to not baby-sit for any other children while A.S. and A.S., Jr. are not in her care, and (8) exercise regular visitation with the children as recommended by the VCDCS.

Throughout the duration of the CHINS case, Mother's participation in services was inconsistent. Although Mother began two separate substance abuse treatment programs, she failed to successfully complete either program and continued to regularly consume alcohol. Mother's housing was also unstable, and she oftentimes lived with friends and relatives. Mother also remained unemployed throughout the duration of the underlying CHINS and termination proceedings until one week prior to the termination hearing.

Mother's participation in visitation with the children and her cooperation with home-based service providers was also sporadic. From October 2006 through May of

2007, Julianne Johnson, parent aide homemaker and supervised visitation facilitator with Ireland Home Based Services, provided services to Mother. During that time, Mother participated in thirty supervised visits with the children. However, Mother was a no-show/no-call for thirteen additional visits and called to cancel three more visits. Additionally, Mother oftentimes arrived late for her scheduled visitation with the children, refused to redirect the children's negative behaviors, and violated visitation rules. Mother's lack of participation in visitation resulted in a reduction of visitation privileges in November 2006 and again in January 2007. With regard to Mother's participation in home-based parent aide services, the record reveals Mother attended fifteen parent aide visits, but she missed eighteen sessions.

In 2007, Mother's participation in visitation eventually began to improve. Mother also became more receptive to the comments and recommendations of the parent aide. However, all services were suspended in May 2007 when Mother voluntarily committed herself to the psychiatric unit at St. Mary's Medical Center. Mother remained hospitalized until mid-August 2007. This was Mother's second psychiatric hospitalization at St. Mary's Medical Center. The first hospitalization occurred in 2005.

At the time of Mother's first hospitalization, Mother was treated by psychiatrist Dr. Gene Flick ("Dr. Flick") who diagnosed her with a number of mental health conditions, including depressive disorder NOS (not otherwise specified), substance abuse, and borderline personality disorder. Mother's diagnosis upon discharge also included sedative hypnotic dependence. As a result of his diagnosis and the addictive nature of benzodiazepines, Dr. Flick recommended that Mother discontinue using any

prescription medication containing benzodiazepines. Mother disregarded Dr. Flick's recommendation and continued to use drugs containing benzodiazepines after being discharged from the hospital. Mother also refused to complete the remaining out-patient treatments as recommended by Dr. Flick.

Mother was again placed under Dr. Flick's care during her second hospitalization for psychiatric services at St. Mary's Medical Center in May 2007. At that time, Dr. Flick renewed his recommendation that Mother abstain from taking any prescription drug containing benzodiazepines, especially in light of Mother's history of alcohol problems. Nevertheless, upon her release from St. Mary's Hospital in August 2007, Mother again declined to follow Dr. Flick's advice and immediately obtained a prescription for Klonopin, a benzodiazepine drug, from a general practitioner on the same day she was released from the hospital.

Meanwhile, on September 12, 2006, the VCDCS filed separate petitions requesting the involuntary termination of Mother's parental rights to the children. A consolidated fact-finding hearing on the termination petitions commenced on October 19, 2007, and was concluded on October 25, 2007. Mother admitted at the termination hearing that she continues to take Klonopin on a daily basis. Mother further admitted that she also continues to use alcohol, but she denied being an alcoholic. On November 26, 2007, the trial court entered separate judgments terminating Mother's parental rights to both A.S. and A.S., Jr.

On appeal, Mother asserts that the trial court's judgment terminating her parental rights to A.S. and A.S., Jr. is not supported by clear and convincing evidence. At the

outset, we note that this Court has long had a highly deferential standard of review in cases concerning the termination of parental rights. In re K.S., 750 N.E.2d 832, 836 (Ind. Ct. App. 2001). Thus, when reviewing the trial court's judgment, we will not reweigh the evidence or judge the credibility of the witnesses. In re D.D., 804 N.E.2d 258, 264 (Ind. Ct. App. 2004), trans. denied. Instead, we consider only the evidence and reasonable inferences therefrom that are most favorable to the judgment. Id.

Here, the trial court made specific findings in ordering the termination of Mother's parental rights. Where the court enters specific findings of fact, we apply a two-tiered standard of review. First, we must determine whether the evidence supports the findings. Bester v. Lake County Office of Family & Children, 839 N.E.2d 143, 147 (Ind. 2005). Second, we determine whether the findings support the judgment. Id. In deference to the trial court's unique position to assess the evidence, we will set aside the court's judgment terminating a parent-child relationship only if it is clearly erroneous. In re L.S., 717 N.E.2d 204, 208 (Ind. Ct. App. 1999), trans. denied; see also Bester, 839 N.E.2d at 147. A finding is clearly erroneous when there are no facts or inferences drawn therefrom that support it. D.D., 804 N.E.2d at 264. A judgment is clearly erroneous only if the findings do not support the trial court's conclusions or the conclusions do not support the judgment thereon. Quillen v. Quillen, 671 N.E.2d 98, 102 (Ind. 1996).

"The traditional right of parents to establish a home and raise their children is protected by the Fourteenth Amendment of the United States Constitution." In re M.B., 666 N.E.2d 73, 76 (Ind. Ct. App. 1996), trans. denied. However, the trial court must subordinate the interests of the parents to those of the child when evaluating the

circumstances surrounding the termination. K.S., 750 N.E.2d at 837. Parental rights may be terminated when the parents are unable or unwilling to meet their parental responsibilities. Id. at 836.

In order to terminate a parent-child relationship, the State is required to allege and prove, among other things, that:

- (B) there is a reasonable probability that:
  - (i) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or
  - (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child; [and]
- (C) termination is in the best interests of the child[.]

Ind. Code § 31-35-2-4(b)(2) (2004 & Supp. 2007); Ind. Code § 31-35-2-8 (2004). The State must establish each of these allegations by clear and convincing evidence. Egly v. Blackford County Dep't of Pub. Welfare, 592 N.E.2d 1232, 1234 (Ind. 1992).

On appeal, Mother challenges the sufficiency of the evidence supporting the trial court's judgments with regard to Indiana Code sections 31-35-2-4(b)(2)(B) and (C) set forth above. Initially, we note that Indiana Code section 31-35-2-4(b)(2)(B) is written in the disjunctive. Thus, although the trial court found that clear and convincing evidence supported the VCDCS's claims that there is a reasonable probability the conditions resulting in the children's removal and continued placement outside Mother's care will not be remedied *and* that continuation of the parent-child relationship poses a threat to the children's well-being, it was required to find one of the two requirements of subsection



(B) had been met in order to properly terminate Mother's parental rights. See L.S., 717 N.E.2d at 209.

We shall first consider whether clear and convincing evidence supports the trial court's conclusions regarding Mother's ability to remedy the conditions that resulted in the children's removal and continued placement outside her care. Although Mother admits in her brief that she has not complied with all court-ordered services, she asserts that "neither society nor the law require[s] that a parent be perfect[.]" Appellant's Br. p. 15. Mother further asserts that the incidents leading to the removal of the children were "isolated episodes of neglect" and that there is no evidence that these episodes could not be remedied and the children returned home. Id. at 12.

When determining whether a reasonable probability exists that the conditions justifying a child's removal and continued placement outside the home will not be remedied, the trial court must judge a parent's fitness to care for his or her children at the time of the termination hearing, taking into consideration evidence of changed conditions. In re J.T., 742 N.E.2d 509, 512 (Ind. Ct. App. 2001), trans. denied. Additionally, the court must also "evaluate the parent's habitual patterns of conduct to determine the probability of future neglect or deprivation of the child." Id. Pursuant to this rule, courts have properly considered evidence of a parent's prior criminal history, drug and alcohol abuse, history of neglect, failure to provide support, and lack of adequate housing and employment. A.F. v. Marion County Office of Family & Children, 762 N.E.2d 1244, 1251 (Ind. Ct. App. 2002), trans. denied. The trial court may also properly consider the services offered to a parent and the parent's response to those

services as evidence of whether conditions will be remedied. Id. Moreover, the Department of Child Services is not required to rule out all possibilities of change; rather, it need establish only that there is a reasonable probability the parent's behavior will not change. In re Kay L., 867 N.E.2d 236, 242 (Ind. Ct. App. 2007).

In determining that there is a reasonable probability the conditions resulting in A.S.'s and A.S., Jr.'s removal and continued placement outside Mother's care will not be remedied, the trial court made the following pertinent findings and conclusions:<sup>2</sup>

9. The reasons for continued placement of [A.S.] outside of the care and custody of [Mother] include her misuse of prescription drugs, failure to abstain from alcohol use, her mental illness diagnoses and corresponding erratic behavior, failure to follow through with substance abuse treatment, failure to follow the recommendations of her psychiatric care provider, failure to provide appropriate supervision for her children, her intent to allow the children to be in contact with people who had physically and mentally abused her in the past, and her inability to provide a safe, secure, permanent residence and environment for [the children] on a long[-]term basis.

\* \* \*

12. [Mother] has a history of substance abuse, including use of prescription drugs against the recommendation of her psychiatrist, abuse of alcohol, and experimentation with crank. Because of [Mother's] history of substance abuse, it was recommended that [Mother] complete a substance [abuse] treatment program and follow any recommendations by the treatment provider of her choice. Although [Mother] presented for treatment at Stepping Stone and New Visions, she failed to successfully complete programs at either facility.

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<sup>2</sup> For clarification purposes, we note that the trial court entered separate judgments under separate cause numbers when terminating Mother's parental rights to A.S. and A.S., Jr. In this opinion, we cite to the termination order specifically pertaining to A.S. We point out, however, that although numbered differently, the substantive language cited to herein was contained in the trial court's judgment regarding A.S., Jr. as well.

14. Initially, [Mother] met sporadically with Kelly Pyle, the parent aide. [Mother] had no employment, lived with friends and acquaintances at a number of locations, and reported that there were no issues that she needed to work on.
15. In October of 2006, [Mother] began working with parent aide Julie Johnson. From October of 2006 through May of 2007, [Mother] attended fifteen (15) parent aide home visits and missed eighteen (18) parent aide sessions. [Mother] made progress with the parent aide by obtaining housing, cooperating with the parent aide, and being more receptive to implementing tools provided by the parent aide. Parent aide services had to be suspended in May of 2007 when [Mother] entered the psychiatric unit at St. Mary's Hospital for approximately three months while awaiting court-ordered commitment to the State Hospital. Unfortunately, even though [Mother] has made advancements with the help of the parent aid[e], her lack of being consistent with her sessions causes the court great concern. When a parent can't do the simplest of tasks like meeting with a parent aid[e][,] it causes the court to wonder if she has the responsibility to be a full[-]time parent.
16. At the time of trial on October 18, 2007, [Mother] also reported obtaining a job with Wal-Mart in the week before trial, but had not had any actual working days at the Wal-Mart Store at the time of trial. However, [Mother] was unable to obtain Medicaid due to being denied for suspected drug and alcohol abuse.
17. [Mother] received visitation with [A.S.] and [A.S., Jr.] which was supervised by Ireland Home Based Services. Julie Johnson was the visitation supervisor from October 2006 through May 2007. During this time, [Mother] had thirty (30) supervised visits with the children, but missed three (3) visits and was a no-call/no-show for thirteen (13) visits. Initially, [Mother] arrived late to visits, refused to redirect the children['s] negative behaviors, allowed [A.S., Jr.] to climb on furniture which resulted in injury, violated supervised visitation rules by taking pictures with her cellular phone, arrived late to visits[,], ended visits early due to being sleepy, and made inappropriate comments in the presence of the children. When a parent misses a substantial number of visits[,], one doubts whether she can be a responsible parent.

\* \* \*

20. [Mother] began receiving psychiatric services under the care of Dr. Gene Flick at St. Mary's Medical Center in 2005. . . . [Mother] did not finish remaining outpatient ECT treatments as recommended by Dr. Flick. A lack of follow through is another element a court has to consider on whether a person can be a responsible parent.
21. In 2005, Dr. Flick recommended that [Mother] abstain from using benzodiazepines, due to their addictive nature and the fact that inappropriate use of benzodiazepines in a person not suffering from anxiety can cause them to be lethargic, to act as if they are in an intoxicated state, and can depress the bodily systems to the point of death if taken in large doses. [Mother's] history of alcohol use was also a concern due to the fact that alcohol enhances the effect of benzodiazepines. [Mother] continued to take benzodiazepines after her hospitalization in 2005 against the recommendation of the psychiatrist.
22. In 2007, [Mother] presented to St. Mary's Medical Center psychiatric unit under the care of Dr. Gene Flick[.] At that time, [Mother] was again told that she should discontinue use of benzodiazepines. Although [Mother] reported severe anxiety symptoms, Dr. Flick and the St. Mary's staff saw no physical manifestations of panic attack[s] such as increased heart rate, sweating, or increased blood pressure. While at St. Mary's Medical Center, [Mother] made two attempts at suicide by cutting her wrists, the second of which required surgery. . . .
23. [Mother] obtained a prescription for Klonopin, a benzodiazepine, from the office of a general practitioner on the day of her release from St. Mary's Medical Center in August 2007. [Mother's] non-compliance with psychiatrist recommendations and her admitted use of alcohol after being discharged from St. Mary's demonstrates that [Mother] will most likely not be able to maintain a drug and alcohol free lifestyle. . . . [Mother] was repeated[ly] warned that the continued use of [K]lonopin would jeopardize the return of her children, but she ignored the interests of her children and chose the drug over her child[ren]. While the defense claims that since she had a valid prescription for the [K]lonopin, and the court should not second guess a physician, it is clear [Mother] was simply doctor shopping and is mentally addicted to this drug and will do whatever it takes to get it. She faked panic attacks and tried various ways to convince her specialist to give her the drug while [an] inpatient. It is

no wonder that her present physician did not testify as he appears to be committing malpractice.

24. Symptoms of [Mother's] borderline personality disorder diagnosis include depression, inconsistency in presentation, and instability in relationships. She also exhibits suicide ideation . . . . As a result of her failure to consistently follow through with treatment recommendations, it is unlikely that she is capable of providing a safe, secure, stable environment for [A.S. and A.S., Jr.], placing [the children] at risk of developing psychological, emotional, and behavioral problems.
25. [Mother's] symptoms interfere with her daily functioning. She has not maintained employment at any time during the pending CHINS matter. [Mother] has also lived with friends or family members at a number of residences during the pending CHINS matter. [Mother] has also been hospitalized at least twice during the CHINS matter, first for two weeks, and subsequently for three months. [Mother] would have been unable to provide supervision for her children during that time had they been in her care.

\* \* \*

31. [Mother] has not made any payments toward the care of her children as ordered by the Court on August 3, 2005. This is another example of how [Mother] doesn't do a simple task on behalf of her child.

\* \* \*

34. [Mother] has had more than two years in which to remedy the reasons for removal of [the children] from her care. Although [Mother] cares about and loves her child[ren], her continued non-compliance with Court orders at the time of trial indicates that she is unlikely to remedy the reasons for continued removal of the child[ren] from her care.

Br. of Appellant – termination order.<sup>3</sup> A thorough review of the record leaves us convinced that sufficient evidence supports the trial court's findings and conclusions set

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<sup>3</sup> Mother properly included copies of the trial court's termination orders at the back of her Appellate Brief; however, she failed to include the orders in the Appellant's Appendix. See Ind.

forth above. These findings and conclusions, in turn, support the trial court's ultimate decision to terminate Mother's parental rights to A.S. and A.S., Jr.

At the time of the termination hearing, Mother still had not achieved a majority of the dispositional goals set during the underlying CHINS proceedings. Specifically, Mother still had not (1) successfully completed a substance abuse treatment program, (2) paid any court-ordered child support for either child, (3) followed the recommendations of Dr. Flick and refrained from using prescription drugs containing benzodiazepine, or (5) exercised consistent visitation with the children. Although Mother testified that she had obtained Section 8 housing and a job at Wal-Mart by the time of the termination hearing, Mother had yet to report for her first day of work and had not had any other employment for the entire duration of the underlying proceedings. In addition Mother admitted during the termination hearing that she continues to drink alcohol and to use Klonopin on a daily basis against her psychiatrist's recommendation. When questioned as to whether he believed Mother would be able to maintain a drug and alcohol-free lifestyle based on his experience and Mother's testimony that she continues to use Klonopin and alcohol, Dr. Flick replied, "No." Tr. p. 129.

We further observe that court-appointed special advocate ("CASA") Mary Beth Anderson ("Anderson") recommended termination of Mother's parental rights. In so doing, Anderson testified that she had been following Mother's case for approximately

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Appellate Rule 50(A)(2)(b). In addition, the pages of the termination order itself were not numbered, and Mother did not number the pages of the order as part of her Appellant's Brief. Consequently, we are unable to provide a specific page number when referring to the trial court's termination order throughout this opinion.

fourteen months and that the six areas of concern she initially identified, including Mother's (1) history of child neglect, (2) history of mental health issues and lack of response to recommendations, (3) history of substance abuse, (4) history of abusive relationships, (5) inability to be financially responsible, and (6) lack of interest in consistent visitation with her children, continued to be "main issues" of concern. Id. at 228-29. Likewise, although VCDCS family case manager Trisha Brown ("Brown") acknowledged that Mother cared for her children and had a "desire to have her children in her home[.]" she nevertheless reported that the VCDCS's plan for the children was termination of Mother's parental rights and subsequent adoption, referring to the children's need for permanency and the fact that Mother, despite having approximately two years to comply, had still "not done the services." Id. at 303.

Based on the foregoing, especially in light of Mother's lengthy history of substance and alcohol abuse, untreated mental disabilities, prior involvement with the VCDCS, and current non-compliance with court-ordered services, we conclude that the trial court's findings and conclusions set forth previously indicating there is a reasonable probability the conditions resulting in the children's removal from Mother's care and custody will not be remedied are supported by clear and convincing evidence. As previously explained, when determining whether a reasonable probability exists that the conditions resulting in a child's removal from the home will not be remedied, the juvenile court must judge a parent's fitness to care for his child at the time of the termination hearing. D.D., 804 N.E.2d at 266. Moreover, "a pattern of unwillingness to deal with parenting problems and to cooperate with those providing services, in conjunction with

unchanged conditions, supports a finding that there exists no reasonable probability that the conditions will change.” Lang v. Starke County Office of Family & Children, 861 N.E.2d 366, 372 (Ind. Ct. App. 2007), trans. denied.

Since the time of the children’s removal, approximately two years had passed, yet Mother had failed to make any significant improvement in her ability to care for the children. It is unfair to ask the children to continue to wait until Mother is willing and able to get, and benefit from, the help that she needs. Approximately two years is long enough. See In re Campbell, 534 N.E.2d 273, 275 (Ind. Ct. App. 1989) (stating that the court was unwilling to put the children “on a shelf” until their mother was capable of caring for them).<sup>4</sup>

We now turn our attention to Mother’s allegation that the VCDCS failed to prove by clear and convincing evidence that termination of her parental rights is in the children’s best interests. We are mindful that, in determining what is in the best interests of a child, the trial court is required to look beyond the factors identified by the Department of Child Services and look to the totality of the evidence. McBride v. Monroe County Office of Family & Children, 798 N.E.2d 185, 203 (Ind. Ct. App. 2003). In so doing, the court must subordinate the interests of the parent to those of the child. Id. The trial court need not wait until a child is irreversibly harmed before terminating the parent-child relationship. Id. Moreover, we have previously determined that a

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<sup>4</sup> Having determined that the trial court’s conclusion regarding Mother’s inability to remedy the conditions resulting in the children’s removal is supported by clear and convincing evidence, we need not address the issue of whether the VCDCS proved by clear and convincing evidence that the continuation of the parent-child relationships pose a threat to the children’s well-being. See L.S., 717 N.E.2d at 209 (explaining that Indiana Code Section 31-35-2-4(b)(2)(B) is written in the disjunctive).



recommendation by the CASA to terminate parental rights in addition to other evidence supports a finding that termination is in the child's best interest. In re M.M., 733 N.E.2d 6, 13 (Ind. Ct. App. 2000).

In addition to the findings and conclusions set forth previously, the trial court made the following additional pertinent findings and conclusions in arriving at its determination that termination of Mother's parental rights is in the children's best interests:

26. [Mother's] continued relationships with men that have been mentally and physically abusive to her and the children place the children at risk of harm.
27. The Court Appointed Special Advocate (CASA) volunteer, [Mary] Beth Anderson, has been appointed to [Mother's] case since August of 2006. . . . She investigated this case by interviewing the [VCDCS] case manager, Julie Johnson from Ireland Home Based Services, . . . Dr. Gene Flick, . . . friends and relatives of [Mother], the current foster care parents for the children, . . . and [Mother]. She observed the children with their current foster family. . . . She met with [Mother] frequently on a one-on-one basis during [Mother's] three[-]month hospitalization in 2007. She also attended court hearings and submitted reports to the Court during the pending CHINS matter.
28. The CASA volunteer's recommendation for the best interest of [the children] is termination of the parental rights and adoption. This recommendation was based on the children being endangered by [Mother's] choices in the following ways:
  - a. [Mother's] history of neglecting her children resulting in previous wardship[s] and a felony neglect of dependent charge . . . .
  - b. [Mother's] history of mental health issues and lack of response to recommendations.
  - c. [Mother's] use of substances, resulting in convictions for Driving Under the Influence and losing her driver's license, using alcohol while also using benzodiazepines against her

psychiatrist's recommendation, and history of experimentation with crack.

- d. [Mother's] history of abusive relationships and continued involvement with men after being abused by them.
- e. [Mother's] inability to be financially responsible.
- f. [Mother's] lack of interest in consistent visitation with her children.

\* \* \*

- 33. [A.S.] is a special needs child . . . . [Mother's] instability and continued use of prescription drugs and alcohol interferes with her ability to parent a special needs child and places the child in danger of harm.

\* \* \*

- 35. The children are thriving in their current placement and have bonded to the current foster parents.
- 36. The plan of care for [the children] if parental rights are terminated is to continue in [their] foster care placement and to be adopted by the current foster family or another foster family if the current foster family is unable to adopt. This plan will give the [children] stability and a parent who [they] can count on to do what's in [their] best interest.

Brief of Appellant - termination order. These findings, too, are supported by the evidence.

In addition to the fact Mother was unable to remedy the conditions necessitating the children's removal from her care despite having over two years to do so and despite having numerous services available to her, the record further reveals that Anderson testified that she believed termination of Mother's parental rights was in the children's best interests. When asked to explain why she felt as she did, Anderson replied, "I haven't seen any progress as far as [Mother] showing her ability to stay away from

alcohol. I feel that the drugs that she is taking are drugs that are not supposed to be combined. . . .” Tr. p. 230. When asked whether she had made her expectations regarding what was in the children’s best interests clear to Mother, Anderson responded, “[Y]es, I’ve told her, um, to just remain compliant to [VCDCS’s] requests, to stay clean and sober, and have a safe and healthy environment for the kids.” Id. at 231. However, when asked whether she felt Mother had accomplished these goals, Anderson replied, “No.” Id. Similarly, Brown testified that she had concerns regarding Mother’s ability to care for the children as well, and she informed the court that the VCDCS’s permanency plan for the children was termination of Mother’s parental rights and adoption by the current foster parents.

Based on the totality of the evidence, including Mother’s continuing use of alcohol and abuse of prescription drugs, Mother’s failure to complete or benefit from the extensive services available to her throughout the duration of the CHINS proceedings, and testimony from both the VCDCS case manager and the CASA recommending termination of Mother’s parental rights, we conclude that clear and convincing evidence supports the trial court’s conclusion that termination of Mother’s parental rights is in A.S.’s and A.S., Jr.’s best interests. See, e.g., In re A.I., 825 N.E.2d 798, 811 (Ind. Ct. App. 2005) (concluding that testimony of the CASA and family case manager, coupled with evidence that conditions resulting in continued placement outside home will not be remedied, is sufficient to prove by clear and convincing evidence termination is in child’s best interests), trans. denied.

The trial court's judgment terminating Mother's parental rights to A.S. and A.S., Jr. is supported by clear and convincing evidence. We therefore find no error.

Affirmed.

ROBB, J. and CRONE, J. concur